

19-7136

No.

ORIGINAL

Supreme Court of the United States

Court, U.S.
ED

DEC 18 2019

THE CLERK

KAREN LYNN MCCLAFLIN,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

**MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS**

COMES NOW PETITIONER KAREN LYNN MCCLAFLIN and respectfully moves this Honorable Court for leave to proceed in forma pauperis, in accordance with the provisions of Title 28, United States Code, Section 1915, and Rule 39 of the Rules of this Court.

The affidavit of Karen Lynn McClafin in support of this motion is attached hereto.

Ms McClafin sought leave to proceed in forma pauperis in the court below.

Ms McClafin was granted leave to proceed in forma pauperis in the court below.


RECEIVED

DEC 26 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

The statute under which Ms McClafin was appointed counsel by the District of Colorado was the Criminal Justice Act of 1964, 18 U. S. C. § 3006A Therefore, in reliance upon Supreme Court Rule 39.1 and 18 U.S.C. § 3006A(d)(7), petitioner has not attached the affidavit which would otherwise be required.**

Presented herewith is Ms McClafin's Petition for Writ of Certiorari to the Court of Appeals for the Tenth Circuit.



Karen Lynn McClafin
Petitioner
44166-013
P.O. Box 27137
Fort Worth, TX 76127

Date: 12-18-19

** Supreme Court Rule 39.1 provides:

A party seeking to proceed in forma pauperis shall file a motion for leave to do so, together with the party's notarized affidavit or declaration (in compliance with 28 U.S.C. § 1746) in the form prescribed by the Federal Rules of Appellate Procedure, Form 4. The motion shall state whether leave to proceed in forma pauperis was sought in any other court and, if so, whether leave was granted. *If the United States district court or the United States court of appeals has appointed counsel under the Criminal Justice Act of 1964, 18 U.S.C. § 3006A, or under any other applicable federal statute, no affidavit or declaration is required, but the motion shall cite the statute under which counsel was appointed.*" *Id.* (As Amended Jan. 27, 2003, eff. May 1, 2003.) (emphasis added)

18 U.S.C. § 3006A(d)(7) provides:

(7) Proceedings before appellate courts. If a person for whom counsel is appointed under this section appeals to an appellate court or petitions for a writ of certiorari, he may do so without prepayment of fees and costs or security therefor and *without filing the affidavit required by section 1915(a) of title 28. Id* (emphasis added)

General Docket
Tenth Circuit Court of Appeals
Court of Appeals Docket #: 18-1217
United States v. McClafin

Appeal From: United States District Court for the District of Colorado - Denver
Fee Status: ifp granted

KAREN LYNN McCLAFIN
Defendant - Appellant

Ann Marie Taliaferro
Email: ann@brownbradshaw.com
[COR NTC CJA Appointment]
Brown, Bradshaw & Moffat
Firm: 801/532-5297
10 West Broadway
Suite 210
Salt Lake City, UT 84101-0000